



Section: 30-00, EQUAL EMPLOYMENT COMPLIANCE

PERSONAL RELATIONSHIPS

The City of Memphis Government strongly discourages romantic or sexual relationships between a member of management/ supervisory employees and an employee who reports directly or indirectly to that person, and or vendors, contractors or volunteers because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. For a list of vendors or contractors, you may contact Purchasing in the Finance division. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others or, at a later date, by the staff member themselves as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, or coercion or exploitation undermines the spirit of trust and mutual respect which is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department, or other actions may be taken to alleviate this situation.

As in all cases, the burden of proving sexual harassment rests with the accuser. But, when charges of harassment are brought by the subordinate employee during or subsequent to such a relationship and the supervisor claims that the relationship was consented to by the employee, the burden will be on the supervisor to prove that the relationship was consensual and voluntary. Such activities may lead to discipline, including termination.

- 1. Notification of Personal Relationship:** If a City of Memphis employee enters into or is currently involved in a consensual relationship which is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to him or her or if one of the parties is in a supervisory capacity in the same department in which the other party works), or with a vendor, contractor or volunteer, the parties must notify their immediate supervisor/manager. Because of potential issues regarding "quid pro quo" harassment, the City has made this a mandatory requirement.



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2. **Procedure after Notification:** Once the relationship is made known to management, management will review the situation with the Chief Human Resources Officer in light of all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.), and will determine whether one or both parties need to be moved to another job or department. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, the parties will contact the Chief Human Resources Officer, who will then decide which party should be moved. That decision will be based on which move will be least disruptive to the organization as a whole.

If it is determined that one or both parties must be moved, but no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.